

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:03-cr-086
(Civil case 3:07-cv-377)

-vs-

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

:

ANDRE LAMAR PLAYER,

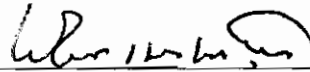
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 154), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 29, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant's § 2255 Motion be, and it hereby is, denied with prejudice. Because any appeal would be objectively frivolous, Defendant is denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

February 7, 2008.



Walter Herbert Rice
United States District Judge